

**DELEGATION OF AUTHORITY
SOLID WASTE DISPOSAL ACT (SWDA)**

Civil Judicial Enforcement Actions, Including Collection Actions

1. AUTHORITY.

- a. To request the Attorney General to appear and represent the agency in any civil enforcement action and to intervene in any civil enforcement action instituted under the Solid Waste Disposal Act, as amended, including an action to collect unpaid penalties;
- b. To give notice of any such suit to the appropriate state;
- c. To request the AG to decline to prosecute a previously referred civil judicial action or cease prosecution of a previously filed civil enforcement action;
- d. [This authority is not redelegated]

2. TO WHOM REDELEGATED. These authorities are redelegated to the Regional Counsel, Office of Regional Counsel, or equivalent.

3. LIMITATIONS.

- a. The regional administrator must obtain the advance concurrence of the regional counsel, or equivalent, on the legal sufficiency of the action before exercising the authority in 1.a. and 1.c. The regional counsel, or equivalent, may waive concurrence in writing.
- b. The OECA AA must notify the regional administrator or regional counsel prior to exercising the authorities in 1.a. – 1.d.
- c. The regional administrator or regional counsel must notify the OECA AA prior to exercising the authority in 1.c. and when exercising the authority in 1.a. The OECA AA may waive the requirement for notification in writing.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the branch chief level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. SUPERSESSION. This delegation supersedes R10 8-10-A (06/26/2017) and any other delegation of the same authority.

6. ADDITIONAL REFERENCES.

- a. Memorandum of Understanding between the agency and the Department of Justice, June 1977, 42 Fed. Reg. 48942 (1977).
- b. SWDA Sections 3008, 3013, 7003, 9006.
- c. See the Chapter 8 delegation entitled, "Emergency TRO's" for RAs' to make direct referrals of requests for emergency SWDA temporary restraining orders.
- d. EPA Delegation 8-10-A.

APR 15 2019

Date

A handwritten signature in dark ink, appearing to read "CH Hladick", written over a horizontal line.

Chris Hladick
Regional Administrator